

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

PIXART IMAGING, INC.,

No. C10-00544 JW (HRL)

Plaintiffs,

**ORDER RE: DISCOVERY DISPUTE
JOINT REPORT # 1**

V.

[Re: Docket Nos. 49, 50]

AVAGO TECHNOLOGIES GENERAL IP
(SINGAPORE) PTE. LTD, et al.,

Defendants.

On July 13 and 14, 2011, the parties in the above-caption patent infringement action filed in two parts a Discovery Dispute Joint Report # 1 (“Joint Report”).¹ Docket Nos. 49, 50. Plaintiff PixArt Imaging, Inc. (“PixArt”) contends that defendants Avago Technologies General IP (Singapore) Pte. Ltd, Avago Technologies ECBU IP (Singapore) Pte. Ltd., and Avago Technologies U.S., Inc. (collectively, “Avago”) filed the Joint Report in violation of this Court’s Standing Order re: Civil Discovery Disputes (“Standing Order”).

The Standing Order requires parties, before filing a discovery dispute joint report, to meet-and-confer about the disputed discovery issue using “the customary convenient means of communication - telephone, e-mail, correspondence, person to person talks between members of opposing litigation teams - to try to reach agreement.” Standing Order ¶ 2(b). “If that fails to lead to complete agreement, then LEAD COUNSEL (and any unrepresented person), accompanied by

¹ Previously, this Court granted the parties' request that the deadline for filing any discovery dispute joint report be extended two weeks from June 29, 2011 to July 13, 2011. Docket No. 48.

1 anyone else whose presence is needed to fully explore resolution, shall meet IN PERSON for as
2 long as and as often as is needed to reach full agreement." Id. ¶ 2(c) (emphasis in original).

3 Here, it appears that Avago's lead counsel never met-and-conferred in person about the
4 disputed issue. Avago writes that it "believes that it has complied with Judge Lloyd's Standing
5 Order because Mr. Greenfeld, who has been leading the advancement of this case for Avago since
6 he started at Mayer Brown in October 2010, met in person with [PixArt's lead counsel,] Mr.
7 [Michael] Page of Durie Tangri." Docket No. 49 at 4. The problem is that Mr. Greenfeld is not
8 Avago's lead counsel; Mr. Duane D. Hough is. And, it appears that Mr. Hough and Mr. Page never
9 discussed this particular discovery dispute in person, as this Court's Standing Order requires. See
10 Docket No. 50 at 2, 9.

11 Since Avago did not comply with the Standing Order, the Court DENIES its requested relief.

12
13 **IT IS SO ORDERED.**

14 Dated: July 15, 2011

15 
HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 **C10-00544 JW (HRL) Notice will be electronically mailed to:**

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10 **Counsel are responsible for distributing copies of this document to co-counsel who have not
11 registered for e-filing under the court's CM/ECF program.**